

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

R. L. ROSS,

Plaintiff,

Case No. 14-cv-14122

v

Honorable Thomas L. Ludington

DONALD BACHAND, et al.,

Defendants.

**ORDER DENYING MOTION TO DISMISS AND MOTION TO STRIKE AS MOOT
AND CANCELLING HEARING**

On October 27, 2014, Plaintiff R. L. Ross filed a complaint against twelve Defendants, alleging numerous violations of state and federal law. Seven Defendants filed an answer to the complaint with affirmative defenses. ECF No. 6. Ross, in turn, then filed a motion to strike the affirmative defenses in the Defendants' answer. ECF No. 15.

Five of the Defendants file a motion to dismiss the complaint pursuant to Rule 12(b)(6). ECF No. 13. The Court therefore set the motion to dismiss and the motion to strike affirmative defenses for hearing on April 7, 2015.

On February 2, 2015, Ross filed a First Amendment Complaint.¹ ECF No. 23. Ross's amended complaint supersedes the original complaint for all purposes. *Calhoun v. Bergh*, 769 F.3d 409, 410 (6th Cir. 2014). "The filing of the amended complaint 'render[s] the original complaint null and void.'" *Glass v. The Kellogg Co.*, 252 F.R.D. 367, 368 (W.D. Mich. 2008) (quoting *Vadas v. United States*, 527 F.3d 16, 22 n.4 (2d Cir. 2007)).

¹ Ross simultaneously filed a response to the motion to dismiss in which she asserts that the "amended complaint will address any defects in the original pleading." ¶ 4. This Court reaches no conclusions concerning the accuracy of this representation.

Because the original complaint has been superseded, there is no longer a live dispute about the merits of the claims asserted in it. *See Cedar View, Ltd. v. Colpetzer*, 2006 WL 456482, at *5 (N.D. Ohio Feb. 24, 2006) (the “earlier motion to dismiss . . . and motion for judgment on the pleadings . . . are denied as moot, as they refer to a version of the complaint that has since been replaced . . .”).

Accordingly, it is **ORDERED** that the Motion to Dismiss Ross’s Complaint (ECF No. 13) is **DENIED AS MOOT**.

It is further **ORDERED** that Plaintiff’s Motion to Strike (ECF No. 15) is **DENIED AS MOOT**.

It is further **ORDERED** that the hearing set for April 7, 2015 is **CANCELLED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: February 6, 2015

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 6, 2015.

s/Tracy A. Jacobs
TRACY A. JACOBS